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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,508	06/28/2001	Arturo A. Rodriguez	60374.0004USU9	7438

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MERCHANT & GOULD  
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MINNEAPOLIS, MN 55402-0903

EXAMINER
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MISIASZEK, MICHAEL

ART UNIT	PAPER NUMBER
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3625

MAIL DATE	DELIVERY MODE
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09/17/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/894,508	<b>Applicant(s)</b> RODRIGUEZ ET AL.	
	<b>Examiner</b> Michael Misiaszek	<b>Art Unit</b> 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,7,10-39,64 and 65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,7,10-39,64 and 65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's amendments filed 5/4/2009 have been received and reviewed. The status of the claims is as follows:

Claims 1, 3, 7, 10-39, 64, and 65 are pending.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**1. Claims 1, 3, 7, 10-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartman in view of Arora et al. (US 20020032638 A1, hereinafter Arora) and Beck.**

Hartman teaches that it is known to include selecting by a user of at least one transaction configuration option from among a plurality of transaction configuration options presented to the user, wherein each transaction configuration option defines one or more actions that take place during the purchase of an item or service when the user utilizes at least one client device to complete a purchase; and implementing at least one transaction process responsive to the user indicating a desire to purchase an item or service utilizing the at least one client device from among a plurality of transaction processes comprising pre-configured transaction processes and user

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defined transaction processes, wherein at least one user defined transaction process comprises the user selected at least one transaction configuration option, wherein at least one transaction configuration option comprises a single execution transaction option that enables the user to initiate and complete an entire purchase in one execution (col. 3, lines 46-66; col. 4, lines 24-38)

Arora teaches that it is known to include receiving by an administrator a global set of preconfigured transaction configuration options (at least paragraph 23, figures 5a-5e); enabling selection by the administrator of a client set from the global set, the client set corresponding to a subset of the global set (at least figures 5a-5e); and enabling by an administrator presentation of the client set to the exclusion of one or more of the preconfigured transaction configuration options of the global set to a user, one or more of the preconfigured transaction configuration options of the client set capable of being deactivated from participation in future purchase transactions (at least figure 5a: administrator can disable goods and/or services as transaction entities) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the invention, as taught by Hartman, with the administrative interface functionality, as taught by Arora, since such a modification would have provided an efficient system, method, and corresponding streamlined administrator interface for easily and cost-effectively configuring and/or altering an e-commerce system to meet the needs of a given business model or market place (at least paragraph 14 of Arora)

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Beck teaches that it is known to include an administrator enabling selection of transaction options and presenting transaction options to a user (at least column 14, lines 49-45 and column 16, lines 25-37: administrator enables and creates web page that presents ordering options to user) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method of Hartman, with the administrator enabling and presenting, as taught by Beck, since such a modification would have only united elements of the prior art references, with no change in their respective functions and which yield predictable results.

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Hartman further discloses wherein the one execution is the depression of a remote button (col. 4, lines 31-38), wherein the at least one transaction process is executed by at least one client device when a subscriber utilizes the at least one client device to complete a purchase (Figure 2, "220"; col. 5, lines 56-66), wherein the at least one transaction configuration option is a PIN option and wherein the implementing step implements the transaction process responsive to at least one selection of the PIN option requiring a correct PIN entry to complete a transaction (col. 5, lines 24-26), wherein the correct PIN entry enables a single execution transaction, the single execution transaction enabling a subscriber to initiate and complete an entire purchase in one execution (col. 5, lines 24-26), wherein the at least one transaction configuration option is a subscriber login option, and wherein the implementing step implements the transaction process responsive to at least one selection of the subscriber login option, wherein the subscriber login option requires at least one subscriber login to complete a transaction (col. 5, lines 24-26).

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Hartman does not explicitly disclose wherein the user is enabled to make at least one selection of a plurality of particular transaction configuration options included in at least one pre-configured transaction process, the at least one selection causing at least one plurality of particular transaction configuration options to be removed from the pre-configured transaction process. Beck teaches that it is known to include an removing a transaction option from the transaction process (at least column 16, lines 38-47: on-line viewer used and video presentation not used in transaction process) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method of Hartman, with the transaction options, as taught by Beck, since such a modification would have only united elements of the prior art references, with no change in their respective functions and which yield predictable results.

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**2. Claims 64-65 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hartman in view of Arora and Beck as applied above, and further in view of Cao (US 6782550 B1).**

Hartman in view of Arora and Beck discloses the claimed invention except for:

- a user indicating a desire to purchase a program comprising audio or video via a set-top box
- wherein the program comprises video-on-demand

Cao teaches that it is known to provide an administrative interface to configure purchasing video on-demand through a set-top box (at least column 14, lines 28-57) in a similar environment. It would have been obvious to one of ordinary skill in the art to have modified the invention, as taught by Hartman, Arora, and Beck, with the video-on-demand, as taught by Cao, since such a modification would have provided improved approaches to configuration, management and operation of a media delivery system. (at least column 2, lines 24-27 of Cao)



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***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Misiaszek whose telephone number is (571)272-6961. The examiner can normally be reached on 9:00 AM - 5:30 PM, Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey A. Smith/  
Supervisory Patent Examiner, Art  
Unit 3625

Michael A. Misiaszek  
Patent Examiner  
8/31/2009